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Paper No. 10

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OCT 30 2002

OFFICE OF PETITIONS

In re Application of :
Jifan Hu et al :
Application No. 09/643,128 : ON PETITION
Filed: August 21, 2000 :
Attorney Docket No. 10583-005-999 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice) mailed June 4, 2001. The Notice set a period for reply of thirty (30) days from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 5, 2001.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37

CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

The instant petition is not signed by (1) a registered attorney or agent of record appointed in compliance with §1.34(b); (2) a registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a); (3) an assignee as provided for under §3.71(b); and (4) **all** of the applicants (§1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with §3.71. See 37 CFR §1.33. Accordingly, any request for reconsideration of this decision must be signed by all the inventors in order for the petition to be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
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OR

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Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

Wan Laymon
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Petitions Examiner
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for Patent Examination Policy